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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re FERNANDO R. , a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

FERNANDO R.,

Defendant and Appellant.

D052833

(Super. Ct. No. J JL23947)

APPEAL from a judgment of the Superior Court of Imperial County, Juan Ulloa,
Judge. Affirmed.

Fernando R. appeals from a judgment of wardship under Welfare and Institutions
Code¹ section 602 after he admitted an allegation of illegal transportation of aliens in
violation of federal law. He contends the juvenile court did not have jurisdiction to
adjudicate his offense because it was a crime exclusively under the jurisdiction of the

¹ All further statutory references are to the Welfare and Institutions Code unless
otherwise specified.

federal courts. During the pendency of this appeal our Supreme Court issued its opinion in *In re Jose C.* (2009) 45 Cal.4th 534. The holding in *Jose C.* is dispositive of the issues on this appeal. Thus, we will affirm the judgment.

FACTS AND PROCEDURAL BACKGROUND

On January 21, 2008, the minor was arrested by United States agents for illegal transportation of aliens in violation of Title 8, United States Code section 1324, subdivision (a)(1)(A)(ii). On February 19, 2008, the minor admitted the illegal transportation count and a count of resisting arrest under Penal Code section 148 was dismissed. He was declared a ward of the court under section 602 on March 4, 2008.

DISCUSSION

Fernando contends the juvenile court lacked jurisdiction to adjudicate the illegal transportation charge because such offense is exclusively with the jurisdiction of the federal courts. Fernando recognizes that the California Supreme Court has since reached a contrary conclusion. Fernando also recognizes this court is bound by the decisions of the Supreme Court. (*Auto Equity Sales v. Superior Court* (1962) 57 Cal.2d 450.) He contends, however, that the Supreme Court misconstrued federal case law and thus incorrectly found the juvenile courts of California have jurisdiction to adjudicate section 602 petitions that allege federal crimes.

After the briefs were filed in this case the Supreme Court filed its opinion in *In re Jose C.*, *supra*, 45 Cal.4th 534. We asked the parties to file supplemental letter briefs discussing the impact of *Jose C.* on the outcome of this appeal. We have received supplemental briefs and reviewed the Supreme Court opinion.

This case is virtually a carbon copy of *In re Jose C.*, *supra*, 45 Cal.4th 534. Both involve juveniles arrested for illegal transportation of aliens. In fact both come from the same juvenile court. In *Jose C.* this court determined the juvenile court did have jurisdiction to adjudicate a section 602 petition based on a violation of federal law. The Supreme Court granted review and has since upheld this court's decision.

Fernando argues our high court misconstrued the United State Supreme Court's decision in *Tafflin v. Levitt* (1990) 493 U.S. 455, and did not correctly analyze the impact of that opinion on the jurisdiction of the juvenile court when dealing with exclusively federal offenses. While Fernando is entitled to make that argument in order to preserve any federal remedies he may have, we are not free to disagree with our Supreme Court, even if we were inclined to do so, which we are not inclined to do.

Applying the guidance from the Supreme Court we find the juvenile court had jurisdiction to adjudicate the petition in this case.

DISPOSITION

The judgment is affirmed.

HUFFMAN, J.

WE CONCUR:

McCONNELL, P. J.

AARON, J.